IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.174 OF 2005

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Transnational Supply & Services ...Petitioner

v/s.

The Projects and Equipment
Corporation of India Ltd. ...Respondents

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Mr.S.C. Naidu i/b C.R.Naidu & Co. for the Petitioner.

Ms.U. Srivastava i/b Consulta Juris for the Respondent.

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CORAM: D.K.DESHMUKH, J.

DATED: 25TH JULY,2005

P.C.:

1. By this petition the Petitioner challenges the award passed by the sole-arbitrator dated 15-12-2004.

2. Perusal of the award shows that a detailed award has been made where cogent reasons have been given by the learned arbitrator. The award also shows that it is mainly based on the settlement reached between the parties. The Petitioner tried to wriggle out of the settlement stating that settlement has been signed by the Petitioner under duress, coercion and pressure. Finding has been recorded that this settlement was entered into of free will by the Petitioner.

3. It was contended before me that the counter claims made by the Petitioner have not been considered. But perusal of the award shows that finding of the arbitrator is that when the parties negotiating the settlement, claims of the Respondent and the counter claims of the Petitioner were considered by the parties and the settlement was reached. As the award is principally on the basis of

the settlement, there was no question of considering the counter claims made by the Petitioner.

4. So far as that part of the award whereby the interest is awarded is concerned, it is perfectly in accordance with sub-section 7 of Section 31 of the Arbitration Act.

5. Petition, thus, has no substance. It is rejected.

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